

**04-5293     DECK V. MISSOURI**

Decision Below:     2004 WL 1152872

**QUESTION PRESENTED:**

Are the Fifth, Sixth, Eighth, and Fourteenth Amendments violated by forcing a capital defendant to proceed through penalty phase while shackled and handcuffed to a belly chain in full view of the jury, and if so, doesn't the burden fall on the state to show that the error was harmless beyond a reasonable doubt, rather than on the defendant to show that he was prejudiced?

Cert. Granted 10/18/04